

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CRAIG CUNNINGHAM,	§	
	§	
	§	
	§	
V.	§	Civil Action No.: 4:19-CV-00896
	§	
	§	
MATRIX FINANCIAL SERVICES, LLC, et al.,	§	
	§	
	§	
Defendants	§	

DEFENDANTS' OFFER OF JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, NATIONAL CAR CURE, LLC, ZANDER COLLINS & SMITH, LLC, DAVID GLENWINKEL, and SING FOR SERVICE, LLC, d/b/a MEPCO, Defendants in the above entitled and numbered cause, and make the following offer of judgment under Federal Rule of Civil Procedure 68.

A. Introduction

1. Plaintiff sued Defendants for alleged violations of telemarketing regulations pursuant to 47 USC §227(b)(1)(A), 47 C.F.R. §64.1200(d), and Tex.Bus. & Com.Code §305.053.
2. Defendants make this offer more than ten days before this case is set for trial. Fed.R.Civ.P. 68; *see Ramming v. Natural Gas Pipeline Co.*, 390 F.3d 366, 370 (5th Cir. 2004).

B. Offer of Judgment

3. Defendants offer \$6,000, for which judgment may be entered. *See Herrington v. County of Sonoma*, 12 F.3d 901, 907 (9th Cir. 1993).
4. This offer is unconditional. *Herrington*, 12 F.3d at 907.
5. Defendants agree to pay costs to date. *Herrington*, 12 F.3d at 907.
6. Attorney's fees are included as part of the offer. *Nusom v. Comh Woodburn, Inc.*, 122 F.3d 830, 834 (9th Cir. 1997).

C. Deadline to Accept

7. This offer of judgment will remain open and irrevocable for ten days after service. *See* Fed.R.Civ.P. 68; *Ramming*, 390 F.3d at 370.

8. If Plaintiff does not respond within ten days after service, the offer is deemed withdrawn. Fed.R.Civ.P. 68; *Richardson v. National R.R. Passenger Corp.*, 49 F.3d 760, 764 (D.C. Cir. 1995)

Respectfully submitted,

Law Offices of Craig Zimmerman

By: /s/ R. Douglas Scott
R. Douglas Scott
State Bar No. 24002920
DScott@craigzlaw.com
3901 Arlington Highlands Blvd., Suite 200
Arlington, TX 76018
(817) 695-5075
Fax: (817) 695-5076

ATTORNEY FOR DEFENDANTS NATIONAL
CAR CURE, LLC, ZANDER COLLINS & SMITH,
LLC, DAVID GLENWINKEL

By: /s/ William E. Reid
WILLIAM E. REID
State Bar No. 16748500
wreid@reiddennis.com
2660 Dallas Parkway, Suite 380
Frisco, Texas 75034
Tel: (214) 618-1400
Fax: (214) 618-1653

ATTORNEYS FOR DEFENDANT
SING FOR SERVICE, LLC, d/b/a MEPCO

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the above and foregoing has been served on the following parties by e-service:

Craig Cunningham
3000 Custer Road, Suite 270-206
Plano, TX 75075
projectpalehorse@hushmail.com

William E. Reid
Reid & Dennis, P.C.
2600 Dallas Parkway, Suite 380
Frisco, TX 75034
wreid@reiddennis.com

on this the 8th day of April, 2020.

/s/ R. Douglas Scott
R. DOUGLAS SCOTT